

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

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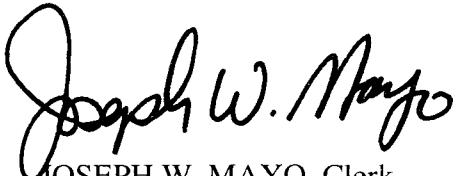
No. 1588

H.P. 1129

House of Representatives, March 2, 1999

**An Act to Increase the Penalties for Persons in Possession of
Methamphetamine in Conformity with the Penalties for Similarly
Dangerous Drugs.**

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative SCHNEIDER of Durham.
Cosponsored by Representatives: MADORE of Augusta, McALEVEY of Waterboro,
PLOWMAN of Hampden, Senator: TREAT of Kennebec.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 17-A MRSA §1103, sub-§3, ¶C, as enacted by PL 1989, c. 924, §8, is amended to read:

C. Four grams or more of heroin; ~~or~~

Sec. 2. 17-A MRSA §1103, sub-§3, ¶D, as amended by PL 1991, c. 548, Pt. A, §10, is further amended to read:

D. Lysergic acid diethylamide in any of the following quantities, states or concentrations:

(1) Any compound, mixture, substance or solution in a liquid state that contains a detectable quantity of lysergic acid diethylamide;

(2) Fifty or more squares, stamps, tablets or units of any compound, mixture or substance containing a detectable quantity of lysergic acid diethylamide; or

(3) Any quantity of any compound, mixture or substance that, in the aggregate, contains 2,500 micrograms or more of lysergic acid diethylamide; or

Sec. 3. 17-A MRSA §1103, sub-§3, ¶E is enacted to read:

E. Fourteen grams or more of methamphetamine.

Sec. 4. 17-A MRSA §1105, sub-§1, ¶E, as amended by PL 1995, c. 65, Pt. A, §58 and affected by §153 and Pt. C, §15, is further amended to read:

E. A person violates section 1103, and, at the time of the offense, the person is on a school bus or on or within 1,000 feet of the real property comprising a private or public elementary or secondary school. For purposes of this paragraph, "school bus" has the same meaning as set forth in Title 29-A, section 2301, subsection 5; ~~or~~

Sec. 5. 17-A MRSA §1105, sub-§1, ¶F, as enacted by PL 1989, c. 924, §11, is amended to read:

F. A person violates section 1103, and, at the time of the offense, the person enlists or solicits the aid of or conspires with a child who is, in fact, under 18 years of age, to traffick in or furnish any scheduled drug; or

Sec. 6. 17-A MRSA §1105, sub-§1, ¶G is enacted to read:

2 G. A person violates section 1103 or 1106, and, at the time
4 of the offense, the person trafficks in or furnishes
methamphetamine in a quantity of 100 grams or more.

6 **Sec. 7. 17-A MRSA §1106, sub-§3, ¶C**, as enacted by PL 1989, c.
924, §12, is amended to read:

8 C. Two grams or more of heroin; ~~or~~

10 **Sec. 8. 17-A MRSA §1106, sub-§3, ¶D**, as amended by PL 1991, c.
12 548, Pt. A, §11, is further amended to read:

14 D. Lysergic acid diethylamide in any of the following
quantities or concentrations:

16 (1) Not less than 25 squares, stamps, tablets or units
18 of any compound, mixture or substance containing a
detectable quantity of lysergic acid diethylamide; or

20 (2) Any quantity of any compound, mixture or substance
22 that, in the aggregate, contains not less than 1,250
micrograms of lysergic acid diethylamide; or

24 **Sec. 9. 17-A MRSA §1106, sub-§3, ¶E** is enacted to read:

26 E. Seven grams or more of methamphetamine.

28 **Sec. 10. 17-A MRSA §1107, sub-§2**, as repealed and replaced by
30 PL 1995, c. 635, §6, is amended to read:

32 2. Violation of this section is:

34 A. A Class C crime if the drug is:

36 (1) Heroin (diacetylmorphine); ~~or~~

38 (2) Cocaine in the form of cocaine base and at the
time of the offense the person has been convicted of
40 any offense under this chapter or under any law of the
United States, another state or a foreign country
42 relating to scheduled drugs, as defined in this
chapter. For the purposes of this paragraph, a person
44 has been convicted of an offense on the date the
judgment of conviction was entered by the court; or

46 (3) Methamphetamine;

48 B. A Class D crime if the drug is:

50 (1) A schedule W drug other than:

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(a) Heroin (diacetylmorphine); ~~or~~

(b) Cocaine in the form of cocaine base and the person has a prior scheduled drug conviction within the meaning of paragraph A, subparagraph (2) of this section; or

(c) Methamphetamine; or

(2) A schedule X drug;

C. A Class E crime if the drug is a schedule Y or Z drug; ~~or~~

D. A Class B crime if the drug is cocaine and the quantity possessed is more than 14 grams or cocaine in the form of cocaine base and the quantity possessed is more than 4 grams; or

E. A Class B crime if the drug is methamphetamine and the quantity possessed is more than 14 grams.

SUMMARY

This bill brings the general treatment of methamphetamine into conformity with the treatment of cocaine for persons charged with possession, furnishing and trafficking. This bill treats methamphetamine in virtually the same manner as cocaine hydrochloride, cocaine in powder form, is treated under existing law for purposes of aggravated trafficking, trafficking, furnishing and possession. The bill also provides for possession of any amount of methamphetamine to be a Class C offense, similar to the treatment of heroin under existing law. The bill is the recommendation of the Attorney General.